

CITY PLANNING COMMISSION MINUTES

June 16, 2005

A study session of the City Planning Commission convened Thursday, June 16, 2005, at 12:00 pm in the City Council Chambers, 333 W. Ocean Boulevard, to discuss Green Building. The regular meeting of the Planning Commission convened at 1:30.

PRESENT: COMMISSIONERS: Charles Winn, Nick Sramek, Matthew Jenkins, Mitchell Rouse

CHAIRMAN: Matthew Jenkins

EXCUSED: Leslie Gentile, Charles Greenberg, Morton Stuhlbarg

STAFF MEMBERS PRESENT: Suzanne Frick, Director of Planning and Building
Greg Carpenter, Planning Manager
Carolyn Bihn, Zoning Officer
Angela Reynolds, Advance Planning Officer
Derek Burnham, Planner
Larry Rich, Advance Planning

OTHERS PRESENT: Mike Mais, Assistant City Attorney
Heidi Eidson, Minutes Clerk

PLEDGE OF ALLEGIANCE

Commissioner Rouse led the pledge of allegiance.

SWEARING OF WITNESSES

REGULAR AGENDA

1. Case No. 0504-05, Conditional Use Permit, CE 05-63

Applicant: The Wren Group
c/o Ulises Garcia
Subject Site: 510 Pine Avenue (Council District 1)
Description: Conditional Use Permit to allow the establishment of a computer arcade.

Derek Burnham presented the staff report recommending approval of a Conditional Use Permit for a computer arcade with 73 computer terminals, 21 of which will be located within a game room, and also including 56 seats in a lounge and café area.

Mr. Burnham explained that Zoning Regulations provide two categories of uses including a computer arcade, where the primary use is computer rental for public use, and internet café, where the primary use is a restaurant with computers as an accessory use. Because of the number of computers at this site, it is considered a computer arcade.

Mr. Burnham stated that Section 21.52 of the Zoning Ordinance requires several special Conditions of Approval including hours of operations and a security plan with the police department, which have been incorporated into the draft Conditions of Approval for this project.

Nathan Semens of the Wren Group, architect for the project, stated that they were in agreement with the Conditions of Approval, but had a question regarding the hours of operation. Mr. Semens stated that they would like the Condition changed from 8:00 am to midnight to 24 hours of operation. Mr. Semens then discussed operations at several of the owner's other businesses, which provide 24-hour service.

In response to a query from Commission Winn, Carolyn Bihn stated that the hours of operation outlined in the Conditions of Approval come from the Zoning Ordinance, however the Commission could evaluate the request to extend the hours. Ms. Bihn also remarked that the business would be located directly beneath a residential use and therefore staff felt that the hours of 8:00 am to midnight were reasonable. However, the Commission could consider a trial period of extended hours if they desired.

Commissioner Rouse stated that he felt the increased hours could be a service to the neighborhood and that he was willing to consider a trial period for extended hours.

Commissioner Sramek stated that he also liked the idea of extended hours, but asked that if a trial period were granted would there be a way to get the tenants of the building involved to provide their input.

Mr. Mais stated that once an entitlement has been granted, it's very difficult to take it away. He advised that from a legal standpoint it would be much easier to keep the operating hours until midnight and then come back after 6 months and grant an extension of hours if there had been no complaints or problems.

In response to a query from Commissioner Rouse, Mr. Gong, CEO of C and C Internet Café, stated that less than 5% of usage is gaming and more than 95% is people over 21 accessing the internet. He remarked that a lot of college students use the service for research purposes late at night.

In response to a query from Commissioner Sramek, Mr. Semens stated that security would be provided to control loitering.

Commissioner Winn stated that he felt uncomfortable with automatically granting 24 hours of operation and therefore made a motion to approve the Conditional Use Permit subject to conditions as presented and Commissioner Sramek seconded the motion.

Commissioner Rouse remarked that he supported the motion, but would like to see the area become more eclectic and have more 24-hour businesses.

With regards to a query from Commissioner Jenkins, Mr. Mais stated that the Commission could make a stipulation in the Conditions that the applicant come back to the Director of Planning and Building after a period of time for extended hours, he recommended that that period be no less than 3 months.

Ms. Bihn stated that the recommended language of the Condition be "the hours of operation shall be limited to 8:00 am to 12:00 midnight for 3

months after which time the applicant may request extended hours, subject to the review and approval of the Director of Planning and Building."

Commissioners Winn and Sramek agreed to the language. The question was called and the motion passed 4-0. Commissioners Gentile, Greenberg and Stuhlbarg were absent.

2. Case No. 0505-41, Certificate of Appropriateness

Applicant: Wade Francis, Circle Capital, LLC
Subject Site: 330 Cedar Avenue (Council District 1)
Description: Hearing to consider an Appeal of the Cultural Heritage Commission's decision to conditionally approve a Certificate of Appropriateness for exterior alterations to the Silver Bow Apartments, a designated City Historic Landmark.

Larry Rich presented the staff report recommending that the Planning Commission sustain the Cultural Heritage Commission's decision to conditionally approve a Certificate of Appropriateness for exterior alterations to the Silver Bow Apartments, which was designated as a City Historic Landmark in 1995.

Mr. Rich stated that staff had observed exterior work being done on the Silver Bow Apartments and that a violation notice was issued pointing out that a Certificate of Appropriateness was necessary before work could be done to a historic landmark building. Later, an entrance canopy with the name Gatsby West had been installed to the building, also without approval.

Mr. Rich stated that an application for a Certificate of Appropriateness had then been submitted and that the case was heard before the Cultural Heritage Commission. The Commission approved the Certificate of Appropriateness for painting of the exterior, non-brick portions of the building, but did not approve the canopy or the covering of the Silver Bow name.

Wade Francis, Managing Partner of Circle Capital, applicant/appellant, 527 E. 1st Street, stated that when they purchased the building it was not disclosed that it was a historic landmark and it was not mentioned on the City's website. The canopy was order shortly after the purchase of the building.

Mr. Francis also stated that he was not contacted by the Historic Preservation Officer with the date of his hearing and therefore was not present. After being denied by the Cultural Heritage Commission he contacted a consultant for advice on his appeal.

Andrea Galvin, consultant for the applicant, 3819 Via La Salva, Palos Verdes Estates, presented her interpretation of the Secretary of the Interior's Standards, with regards to rehabilitation, as it relates to the project. Ms. Galvin also stated that upon reviewing the survey conducted at the time of landmark designation for the building, it lists character features defining its historic significance, but does not call out the name of the building as contributing to its significance as a landmark.

Finally, Ms. Galvin commented that in keeping with the Secretary of the Interior's Standards for rehabilitation, the additions/alterations are temporary in nature and do not damage or destroy any character features of the building.

Mr. Mais stated that the Municipal Code sets forth every structure within the City that has been designated as historically significant. The Cultural Heritage Commission took into consideration the signage of the building when it recommended approval of the ordinance by stating that "its name is displayed in large silver letters over the entry way."

Layne Johnson, Chair of the Cultural Heritage Committee, 251 Junipero, stated that the name over the entrance is something that the Cultural Heritage Commission found to be a character defining feature. The Commission also felt that the canopy style was not an appropriate style for the building and that changing the name to Gatsby West was also inappropriate.

Nancy Stephanie, Ocean Boulevard, stated that she was the owner of the building at the time it was designated as a historic landmark. She also stated that the application to make the building a landmark notes the name at the front of the building.

Christopher Hauser, 330 Cedar Avenue, commented that people refer to buildings by their name and by changing the name of this building it will lose its identity.

Mr. Francis, stated that he wanted to change the name of the building because it had formerly been a sober living facility and he wanted to lose the negative connotation associated with it.

Mr. Francis also stated that he would be interested in putting up a plaque stating that the building was a historic landmark.

Commissioner Sramek made a motion to sustain the decision of the Cultural Heritage Commission to approve a Certificate of Appropriateness for the painting of non-brick portions of the building subject to the removal of the canopy and removal of the plywood covering the name Silver Bow. Commissioner Winn seconded the motion, which passed 4-0. Commissioners Gentile, Greenberg and Stuhlbarg were absent.

MATTERS FROM THE AUDIENCE

There were no matters from the audience.

MATTERS FROM THE DEPARTMENT OF PLANNING AND BUILDING

Mr. Carpenter reported that the City Council overturned the appeal of the Memorial Hospital project and approved the project and certified the Environmental Impact Report.

Mr. Carpenter also reported that a 2-unit condominium project on The Toledo that had been approved by the Commission was being appealed to the City Council in July.

MATTERS FROM THE PLANNING COMMISSION

Commissioner Sramek asked if there was a way that Conditions of Approval could be distributed within neighborhoods, so that people could be made aware of the Conditions placed on a project and could report violations if they witnessed them. Ms. Bihn replied that staff would explore some alternatives and report back on ways to accomplish this.

ADJOURN

The meeting adjourned at 3:00.

Respectfully submitted,

Heidi Eidson
Minutes Clerk